

Article - Criminal Law

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§4–109.

- (a) (1) In this section the following words have the meanings indicated.
- (2) “Crime of violence” has the meaning stated in § 14–101 of this article.
- (3) “Electronic control device” means a portable device designed as a weapon capable of injuring, immobilizing, or inflicting pain on an individual by the discharge of electrical current.
- (b) A person may not possess or use an electronic control device unless the person:
 - (1) has attained the age of 18 years; and
 - (2) has never been convicted of a crime of violence or a violation of § 5–602, § 5–603, § 5–604, § 5–605, § 5–606, § 5–613, or § 5–614 of this article.
- (c) An electronic control device may not be sold and activated in the State unless:
 - (1) an instructional manual or audio or audiovisual instructions are provided to the purchaser;
 - (2) the manufacturer maintains a record of the original owner of the electronic control device; and
 - (3) the manufacturer or seller has obtained a State and federal criminal history records check of the original owner to ensure compliance with subsection (b)(2) of this section.
- (d) A manufacturer of electronic control devices shall provide an investigating law enforcement agency with prompt access to the manufacturer’s records on electronic control devices and cartridges sold in the State.
- (e) (1) A person who violates subsection (b) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 months or a fine not exceeding \$500 or both.

(2) A person who violates subsection (b) of this section while committing a separate crime that is a crime of violence is guilty of a felony and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

(f) This section does not prohibit a local government from adopting a restriction or requirement concerning the possession of an electronic control device that is more stringent than the requirements of this section.

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